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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/838,378
Filing Date: April 19, 2001
Appellant(s): DAY ET AL.

Stephen R. Tkacs
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/16/04 appealing from the Office action mailed 9/24/04.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Claimed Subject Matter*

The summary of claimed subject matter contained in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) *Evidence Relied Upon*

6,515,656	WITTENBURG ET AL.	2-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-14, 16-21, 23-25 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6,515,656 B1 (Wittenburg et al.), herein referred to as Wittenburg.

Referring to claims 1, 9, 17, 24 and 25, Wittenburg discloses a method for navigation between pages within a series of pages (column 1, lines 25-30). Wittenburg discloses receiving a document, wherein the document comprises a current page within a series of pages (column 9, lines 60-63). Wittenburg discloses that each page within the series of pages includes a link to a contiguous page within the series of pages (column 1, lines 61-64), wherein the teaching discloses how controls are disclosed one at time and each time the display of the web page is shown as the user proceeds through a set of pages. Wittenburg discloses responsive to receiving the document identifying a series link in the current page, wherein the series link references a next or previous page within the series of pages (reference number 66, Figure 6 and column 6, lines 54-65). Wittenburg discloses responsive to a series link being identified in the

current page, automatically associating a series link control with the series link, wherein activation of the series link control results in navigation to the contiguous page referenced by the series link (column 8, lines 1-15).

Referring to claims 2, 10 and 18, Wittenburg discloses searching at least one link in the document for a keyword (column 10, lines 20-24).

Referring to claims 3 and 11, Wittenburg discloses searching at least one link comprises searching at least one of link text, graphic filename, alt text, and uniform resource locator (column 5, lines 3-8).

Referring to claims 4, 12 and 19, Wittenburg discloses identifying a series link comprises searching a uniform resource locator of at least one link for an ascending or descending number with respect to the uniform resource locator of the document (column 4, lines 60-63 and Figure 2A), wherein the presentation links represent the series links.

Referring to claims 5, 13 and 20, Wittenburg discloses identifying a series link comprises searching a uniform resource locator of at least one link for an alphabetic sequence with respect to the uniform resource locator of the document (column 4, lines 60-63 and Figure 2A), wherein the presentation links represent the series links.

Referring to claims 6, 14 and 21, Wittenburg discloses series link control comprises at least one of a button, a menu item, and a keyboard shortcut (column 8, lines 1-10).

Referring to claims 8, 16 and 23, Wittenburg discloses the series link control comprises a mouse pointer (column 8, lines 38-43), wherein the step of associating the

series link control with the series link comprises automatically placing the mouse pointer over the series link without intervention from the user (column 15, lines 25-46), wherein Wittenburg discusses the use of user controls to determine the manipulation of the slides but does not disclose that the user is responsible for these control maneuvers.

(10) Response to Argument

With respect to Applicant's arguments that Wittenburg does not disclose allowing a user to navigate among pages within a series of linked pages. Wittenburg much like the examples stated in the arguments display series of pages that are linked together found during web browsing. Wittenburg discloses a set of pages that are linked together wherein Wittenburg refers to them as documents, presentations, and as seen in the Figures, these documents represent web pages like the examples stated in the present invention. Wittenburg by teaching a means for traversing a set of pages, represented as web pages, wherein the control (reference number 66, Figure 6) allows users to link to the next page, thereby showing a set of linked pages. Furthermore, Wittenburg discloses how the documents represent a slide show presentation, thereby this presentation representing the entire document and each slide or web page representing one of the pages of this document, and wherein the ability to traverse through each of the pages in a consecutive manner, with the controls in a sequence, clearly shows a link, thereby showing navigation among pages within a series of linked pages (column 9, lines 60-65). The Applicant's arguments and examples seen in Figure 4B and 5 are alike Wittenburg wherein they both refer to a series of pages that are

displayed during a web browsing session, wherein like Wittenburg, the present invention also represents the document as a series of web pages that are linked together.

With respect to Applicant's arguments that Wittenburg teaches multimedia files such as image files, video files, audio files, wherein these files do not teach including a link to a next or previous page in a series of pages. As clearly shown in Figures 6 and 7, the multimedia files referred to in the arguments are in fact web pages, that are representative of pages that belong in a document, wherein the document would represent the presentation referred to. Wittenburg has set forth the terms "presentations", wherein these presentations in their entirety would represent documents, and wherein each page or slide of these presentations would be the current page ("amazon.com", Figure 6). Furthermore, the claims refer to a general term "documents", wherein these documents represent a set of data that are displayed as files or web pages, and wherein these web pages may contain multimedia data or other forms of displayed data but is still nonetheless represent a general term such as documents. There is clearly the link (reference number 66, Figure 6) that is used to move on to the next page and the previous pages, wherein these links are clearly there for a purpose the purpose being traversing to a new page that has a continuous relationship to the current page.

With respect to Applicant's arguments that the Wittenburg does not teach that multimedia files include a link to a next or previous page because the multimedia files are organized using a separate hierarchical data file rather than each file including another files in the series. These arguments rely on the backend architecture or

structure relied upon to display the presently claimed invention. The data structures of the information being displayed and the manner in which the links are stored in memory are not clearly discussed in the present claims.

With respect to Applicant's arguments that there is no analysis as to why a control area for controlling presentation of multimedia files is equivalent to identifying a series link in the current page, where the series link references a contiguous page in a series of pages. Wittenburg as also stated in the arguments does have a control area, wherein this control area (reference number 66, Figure 6), allows control of data that is displayed by allowing for the link and control of this link to access previous or next pages that are before or after the currently displayed web pages.

With respect to Applicant's arguments of the interpretation of the link as the series link and the series link control. The control shown in Figure 6 (reference number 66) represents the series link control that shows how the contiguous pages are linked together in the series, thereby teaching the series link. The series link control enables for the teaching to show the pages having a series link.

With respect to Applicant's arguments that Wittenburg teaches away from the presently claimed invention because of its use of a hierarchical data file. The arguments state a difference in the use of a separate hierarchical data file to organize data as is shown in Wittenburg and the present claims receiving a series of linked pages, wherein the arguments does not further detail the specifics of this difference. Furthermore, whereas one in reference to the organization of the hierarchical file structure points out the data structure used for organizing and storing data, the other

aspect points out receiving a series of linked pages, which has more to do with the layout and display of the data. A hierarchical menu structure as seen in Figure 9 of Wittenburg only further points out how a set of pages within a larger presentation or document are linked together, wherein this hierarchical relationship more clearly displays how these series of pages are in fact linked.

With respect to Applicant's arguments that there is no analysis of how context feedback information is equivalent to searching link in the document for a keyword by searching link text, graphic filename, alt text and uniform resource locator of a link. Wittenburg teaches finding data in the displayed web pages, wherein this finding involves searching for a particular data in order to find its location in the display. Furthermore, Wittenburg's web pages will clearly display link text, graphic filename, alt text and uniform resource locator of a link, wherein the data that is displayed and located in relation to the displayed items of a web page would include all the items described above and which clearly is displayed in Figure 6.

With respect to Applicant's arguments that Wittenburg does not teach searching for ascending or descending numbers or alphabetic sequences. As shown in Figure 2A, Wittenburg does teach the use of ascending or descending numbers or alphabetic sequences in the layout of the information, in this case in relation to the uniform resource locator of a link, wherein the searching mechanism for locating particular items in the display as discussed in the arguments stated above allow for the searching of the uniform resource locators of the Figure 2A.

With respect to Applicant's arguments that Wittenburg does not disclose automatically placing the mouse pointer over the series link. Wittenburg discloses how an trigger event such as placement of the arrow over the link control can start or stop a sequence of pages from displayed, wherein there is no explicit disclosure that user intervention is relied upon to trigger these events just simply that the placement of the cursor in a certain control area triggers the beginning of a sequence of displays. Furthermore, Wittenburg teaches how even though the names may state, "user control arrow", it is in contrast to "prior arts" that rely on user selection to start and stop display of the sequence of pages.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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March 28, 2007

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